

Bellwood Corporation

302 S. Jefferson Street
Roanoke, VA 24011

April 30, 2018

Mr. Austin D. Saylor
U.S. Department of Justice
Environmental and Natural Resources Division
P.O. Box 7611
Washington, D.C.
austin.saylor@usdoj.gov

Re: United States and West Virginia Department of Environmental Protection v. James C. Justice Companies, Inc. and James C. Justice II, Civil Action No. 1:15-cv-16018 (S.D. W.Va.) (James C. Justice Companies, Inc. and James C. Justice II collectively referred to herein as “Justice”)

Dear Mr. Saylor:

Regarding your letter dated December 11, 2017 and subsequent discussions and e-mails to our attorney, Mr. Michael Callaghan please accept this letter as Justice’s April 30, 2018 plan to comply with the Consent Decree entered in the above referenced matter.

Background

Justice constructed 20 “dams” in Turkey Creek, Monroe County, WV to help improve the aquatic life in this stream.

Bellwood Corporation (“Bellwood”) is wholly owned by James C. Justice II and is an affiliate of James C. Justice Companies, Inc. The property in question is currently owned by Bellwood and for this reason Bellwood is providing this response and the accompanying plan.

After many meetings and discussions with the West Virginia Department of Environmental (“DEP”) Protection as well as professional engineers, biologists and legal experts we have decided (subject to your agreement) to begin removing the dams according to the plan you have reviewed from Potesta Consulting Engineers.

As you stated in your December 11, 2017 letter, restoration of the stream could be accomplished in a relatively straightforward manner by removing the dams and stabilizing the original stream channel and floodplain.

Upon meeting with the West Virginia DEP and their senior staff we have entered into a permitting contract with Mr. Pete Gant, a highly responsible permitting consultant that has begun the submittal process for Nationwide 32 permits that will allow us to have stream access by July 15, 2018.

These access permits are being obtained under the guidance of the WV DEP administrators and will be issued in accordance with the US Army Corps of Engineers.

Finally, as an additional mitigating factor we ask that you take into consideration the fact this area suffered a horrible 1,000-year flood event and that the entire watershed was impacted including the loss of 23 lives.

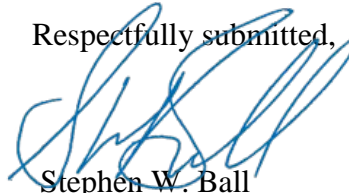
Plan

If approved our plan is to do the following:

- No later than July 15, 2018 (weather permitting) we will begin the removal of the dams beginning with the last downstream dam.
- Each dam will be removed under the supervision of a Registered Professional Engineer.
- Bellwood will ask for technical assistance from the West Virginia DEP to stabilize any disturbance.
- The rock material from each removed dam will be placed in an approved manner close to the removal point to minimize stream bank disturbance.
- After each dam is removed the next upstream dam will be removed unless it is determined by the Registered Engineer or WV DEP that it is more favorable to the stream quality to leave a dam undisturbed.
- If weather, time or circumstances prevent the removal of certain dams by September 30, 2018 the removal process will be stopped until July 15, 2019.

Thank you for your consideration of this Plan.

Respectfully submitted,



Stephen W. Ball
General Counsel

CC: Mr. Michael Callaghan
Law Offices of Neely & Callaghan
159 Summers Street
Charleston, West Virginia 25301
mcallaghan@neeleycallaghan.com